



DIVISION OF
ENFORCEMENT

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
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NEW YORK, NY 10004-2616

October 5, 2022

FILED BY ECF

Hon. P. Kevin Castel
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: SEC v. Scott Lindell, No. 22 Civ. 8368 (PKC)

Dear Judge Castel:

Plaintiff Securities and Exchange Commission (the “Commission”) respectfully submits this letter to seek approval of the parties’ proposed partial consent judgment. The Commission and Defendant Scott Lindell (“Lindell”) have reached a partial settlement that would resolve the injunctive relief the Commission seeks in this case but leave open for later resolution by motion (or further settlement) the monetary relief and officer-and-director bar sought by the Commission. The proposed judgment and Lindell’s signed consent have been filed on ECF in connection with this matter. (D.E. 8.)

The proposed consent judgment is fair and reasonable and does not disserve the public interest, under *SEC v. Citigroup Global Markets, Inc.*, 752 F.3d 285 (2d Cir. 2014). Among other things, the judgment would permanently enjoin Lindell from committing violations of the federal securities laws that the Commission has charged him with, including injunctions against committing fraud in connection with the offer, purchase, and sale of securities and engaging in any transaction, practice, or course of business which operates as a fraud or deceit upon any client or prospective client in Lindell’s capacity as an investment adviser. As described above, the consent judgment would leave open for later resolution the issue of monetary relief and whether to impose an officer-and-director bar on Lindell. The Commission anticipates that the parties will try to negotiate a resolution of the remaining relief the Commission seeks in this action in the coming months.

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The Commission therefore respectfully requests that the Court approve the proposed consent judgment and docket it with Lindell's signed consent. (D.E. 8.)

Respectfully submitted,

A handwritten signature in black ink, appearing to read "DHT", is written over a horizontal line.

David H. Tutor
Senior Counsel
Division of Enforcement

cc: Counsel for Defendant (by email)